

**People v. Matthew Z. Krob. 24PDJ056. December 31, 2024.**

The Presiding Disciplinary Judge found the parties' stipulation to discipline to be consistent with the considerations governing imposition of disciplinary sanctions and issued an opinion approving the stipulation. Matthew Z. Krob (attorney registration number 44886) is suspended from the practice of law for three years. Krob's suspension took effect on December 31, 2024.

On May 17, 2024, in Douglas County District Court, a jury found Krob guilty of the crimes of sexual assault—no consent, a class-four felony; two charges of sexual contact—no consent—force/threat, a class-four felony; sexual assault—overcome victim's will, a class-four felony; second-degree assault—strangulation, a class-four felony; third-degree assault—knowing/recklessly caused injury, a class-one misdemeanor; and telephone—obstruct service, a class-one misdemeanor.

Based on Krob's convictions, the Colorado Supreme Court suspended his license to practice law on an interim basis on July 9, 2024. On August 27, 2024, the criminal court sentenced Krob to detention in the Department of Corrections for a period of twelve years to life. In addition, Krob's mandatory parole runs ten years to life, and Krob must register as a sex offender.

Krob's convictions were predicated on a criminal episode between Krob and his then-spouse. During the episode, Krob violated C.R.S. sections 18-3-402(1)(a) (providing in pertinent part, "Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if . . . [t]he actor causes sexual intrusion or sexual penetration knowing the victim does not consent."); 18-3-404(1)(a) (providing in pertinent part, "Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if . . . [t]he actor knows that the victim does not consent."); 18-3-204(1)(a) (providing in pertinent part, "A person commits the crime of assault in the third degree if . . . [t]he person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon."); 18-3-203(1)(i) (providing in pertinent part, "A person commits the crime of assault in the second degree if . . . [w]ith the intent to cause bodily injury, he or she applies sufficient pressure to impede or restrict the breathing or circulation of the blood of another person by applying such pressure to the neck or by blocking the nose or mouth of the other person and thereby causes bodily injury."); and 18-9-306.5 (providing in pertinent part, "A person commits obstruction of telephone or telegraph service if the person knowingly prevents, obstructs, or delays, by any means whatsoever, the sending, transmission, conveyance, or delivery in this state of any message, communication, or report by or through any telegraph or telephone line, wire, cable, or other facility or any cordless, wireless, electronic, mechanical, or other device.").

Through this conduct, Krob violated Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

The case file is public per C.R.C.P. 242.41(a). Please see the full opinion below.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
<b>Complainant:</b> THE PEOPLE OF THE STATE OF COLORADO  <b>Respondent:</b> MATTHEW Z. KROB, #44886	Case Number: <b>24PDJ056</b>
<b>OPINION APPROVING STIPULATION TO DISCIPLINE</b>	

Before the Presiding Disciplinary Judge (“the Court”) is a “Stipulation to Discipline Pursuant to C.R.C.P. 242.19” filed on December 12, 2024, by Jody M. McGuirk of the Office of Attorney Regulation Counsel (“the People”) and Gary Lozow, counsel for Matthew Z. Krob (“Respondent”).

### I. THE PARTIES’ STIPULATION

On May 17, 2024, a jury found Respondent guilty of two counts of sexual assault, two counts of unlawful sexual contact, second-degree assault, third-degree assault, and telephone obstruction. Respondent committed these crimes against his spouse in a single incident on November 20, 2023. Respondent was sentenced to twelve years to life in the Department of Corrections. He will then serve ten years to life on parole and be required to register as a sex offender.

Respondent violated his duty to comply with Colorado state laws by knowingly or intentionally committing these crimes, thereby injuring not only his spouse but also the reputation of the legal profession. The parties rely on *Standard* 5.12 of the American Bar Association *Standards for Imposing Lawyer Sanctions* (“ABA *Standards*”)<sup>1</sup> to arrive at suspension as the baseline sanction. ABA *Standard* 5.12 generally applies when a lawyer knowingly engages in criminal conduct that does not contain the elements listed in ABA *Standard* 5.11 and that seriously adversely reflects on the lawyer’s fitness to practice.<sup>2</sup> The parties apply three factors in aggravation

<sup>1</sup> Found in the ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).

<sup>2</sup> ABA *Standard* 5.11(a) provides for disbarment when a lawyer engages in serious criminal conduct that includes as a necessary element “intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an

under ABA *Standard* 9.22: multiple offenses,<sup>3</sup> the vulnerability of the victim,<sup>4</sup> and illegal conduct.<sup>5</sup> In mitigation under ABA *Standard* 9.32, the parties give weight to Respondent's lack of prior discipline,<sup>6</sup> his cooperation during this disciplinary proceeding,<sup>7</sup> and the imposition of other penalties and sanctions.<sup>8</sup> On balance, the parties agree that a three-year fully served suspension is the appropriate sanction. The parties also mention that, as a convicted felon, a Colorado state statute prohibits Respondent from practicing law while incarcerated or on probation.

## II. ANALYSIS

The Court endeavors to honor parties' stipulations and is favorably inclined to accept targeted and proportionate agreements that are consistent with the considerations governing imposition of disciplinary sanctions, including the ABA *Standards'* theoretical framework.<sup>9</sup> Discipline is not punishment. Rather, the lawyer discipline system is designed to further the Colorado Supreme Court's regulatory objectives, including promoting the public interest; increasing the public's understanding of, and confidence in, the rule of law; ensuring compliance with the rules of professional conduct; and safeguarding the rule of law to foster a robust system of justice.<sup>10</sup> Lawyers serving more than one year of suspension must petition for reinstatement under C.R.C.P. 242.39 and demonstrate by clear and convincing evidence their rehabilitation, compliance with disciplinary orders, and fitness to practice law.

Here, the Court agrees with the parties that a fully served three-year suspension is the appropriate outcome under the ABA *Standards'* theoretical framework. While the Court "always has discretion in determining the sanction for attorney misconduct,"<sup>11</sup> its mandate is nevertheless to use the ABA *Standards* as a framework for imposing sanctions. Because the parties' agreement is consistent with considerations governing the imposition of disciplinary sanctions—namely, the ABA *Standards*—the Court lacks a well-founded basis to require the parties to depart from the presumptive sanction of suspension.

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attempt or conspiracy or solicitation of another to commit any of these offenses." In addition, ABA *Standard* 5.11(b) provides that disbarment is generally appropriate for "any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice."

<sup>3</sup> ABA *Standard* 9.22(d).

<sup>4</sup> ABA *Standard* 9.22(h).

<sup>5</sup> ABA *Standard* 9.22(k).

<sup>6</sup> ABA *Standard* 9.32(a).

<sup>7</sup> ABA *Standard* 9.32(e).

<sup>8</sup> ABA *Standard* 9.32(k).

<sup>9</sup> See C.R.C.P. 242.19(c); *In re Attorney F.*, 2012 CO 57 ¶ 19.

<sup>10</sup> See Preamble to Chapters 18 to 20, Colorado Court Rules.

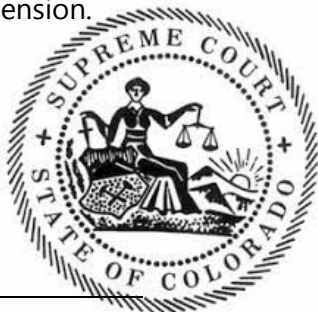
<sup>11</sup> *Att'y F.*, ¶ 15.

Nevertheless, the Court harbors significant reservations as to whether, on this particular set of facts, the ABA *Standards* achieve the Court's regulatory objectives. Reading between the proverbial lines in the stipulation, the Court surmises that Respondent violently raped his spouse. The Court struggles to syncretize the fact that this egregious sexual offense warrants a twelve-year-to-life prison sentence under Colorado's criminal code yet triggers only suspension, not disbarment, as the presumed sanction under the ABA *Standards*. Indeed, this disparity in outcomes suggests that the time has come to broaden the ambit of ABA *Standard* 5.11 to include rape and other serious felony criminal conduct as presumptively disbarable offenses, better reflecting the contemporary understanding of the lasting harm to sexual assault victims and the societal ills that result from such offenses.

Ultimately, the Court's deep concerns about the parties' stipulation are somewhat assuaged by Respondent's minimum twelve-year prison sentence followed by no less than ten years of mandatory parole. As the parties observe, Respondent's sentence extends far beyond his stipulated three-year period of suspension. If that carceral or probationary period lasts more than five years, he will be required to both sit for the bar exam and petition this Court for reinstatement. In petitioning for reinstatement, Respondent will be required to muster clear and convincing evidence that he has rehabilitated from his misconduct, show he has complied with court orders, and demonstrate his fitness to practice law. Because, by definition, parolees are "on the path to rehabilitation but are not yet rehabilitated,"<sup>12</sup> Respondent will not be able to make such a showing until he completes his terms of incarceration and parole. As a result, Respondent's suspension will likely present no differently than if the parties had stipulated to his disbarment, where a lawyer must wait eight years following an order of disbarment before seeking readmission to the practice of law by following the same steps. In short, Respondent's three-year suspension, coupled with the anticipated period of his incarceration and parole, has the same practical effect as disbarment. With this dynamic in mind, and because rejecting the stipulation could amount to an abuse of the Court's discretion, the Court reluctantly approves the parties' agreement.<sup>13</sup>

### III. CONCLUSION

Because the parties' stipulation is consistent with the ABA *Standards*, the Court **APPROVES** the parties' stipulation to discipline. The Court contemporaneously issues an order and notice of Respondent's suspension.



DATED THIS 31<sup>st</sup> DAY OF DECEMBER, 2024.

  
BRYON M. LARGE  
PRESIDING DISCIPLINARY JUDGE

<sup>12</sup> *In re Miranda*, 2012 CO 69 ¶ 18.

<sup>13</sup> *But see In re Littleton*, 719 S.W.2d 772, 778 (Mo. 1986) ("Suspension is never a proper substitute for disbarment.").