

People v. Matthew Kent Barringer. 22PDJ064. March 10, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Matthew Kent Barringer (attorney registration number 35429) for sixty days, all to be stayed upon Barringer's successful completion of a one-year period of probation with conditions. The discipline takes into account substantial mitigating factors. The probation is effective March 10, 2023.

In May 2019, Barringer agreed to prepare an I-589 asylum application for his client and the client's son. Barringer charged a flat fee of \$4,000.00 for the work. The fee agreement provided that Barringer would earn the \$1,500.00 deposit by preparing his client's file and that he would earn the remainder of the fee after appearing at any required hearings in the case. Barringer's client paid the fee in installments between May and October 2019. Barringer failed to hold his client's money in his trust account until the money was earned.

The application that Barringer prepared for his client was deficiently prepared and did not establish the required essential eligibility requirements for asylum. Though Barringer's client told him that she had experienced a specific and articulable harm in her country of origin, Barringer did not include that information in the application. In addition, the application incorrectly stated that it was not filed within a year of the date his client entered the United States.

Barringer also failed to prepare his client for the merits hearing in her asylum case, which took place in October 2019. He did not attend this hearing, instead sending another lawyer to cover the hearing. But that lawyer did not speak Spanish and relied on the client's friend to translate during a brief conferral before the hearing. At the deportation hearing, Barringer's client agreed to voluntary departure.

Through this conduct, Barringer violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(b) (a lawyer must explain a matter so as to permit the client to make informed decisions regarding the representation); and Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property).

The case file is public per C.R.C.P. 242.41(a).