

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO Respondent: CORNELL JOHNSON, #34449	Case Number: 26PDJ26
OPINION APPROVING AMENDED STIPULATION TO DISCIPLINE	

SUMMARY

The Presiding Disciplinary Judge approved an amended stipulation to discipline and suspended Cornell Johnson (attorney registration number 34449) for three months, with the requirement that Johnson seek formal reinstatement; the three-month suspension is to run concurrently with a three-year suspension Johnson is currently serving. The three-month suspension takes effect immediately.

While representing a client who sustained injuries in a vehicular accident, Johnson successfully settled with several insurance companies on the client's behalf for policy limits. Johnson then wound down his law practice and closed his trust account. During that time, Johnson's staff disbursed to the client a sum significantly less than the client was owed from the settlement. As a result, Johnson withdrew money belonging to the client when he closed his trust account. When Johnson learned of the error, he promptly returned to the client the additional amount owed from the settlement.

Through this misconduct, Johnson violated Colo. RPC 1.15A(a) (requiring a lawyer to hold property of clients or third persons in the lawyer's possession in connection with a representation separate from the lawyer's own property) and Colo. RPC 1.15A(b) (requiring a lawyer to promptly deliver funds belonging to a client or third person any funds the client or third person is entitled to receive and to render a full accounting regarding that property).

THE PARTIES' STIPULATION

On September 8, 2026, Gregory G. Sapakoff of the Office of Attorney Regulation Counsel ("the People") and Cornell Johnson ("Respondent") filed an "Amended Stipulation to Discipline Pursuant to C.R.C.P. 242.19" with Presiding Disciplinary Judge Bryon M. Large ("the Court").

Stipulated Facts

Client S retained Respondent on February 26, 2023, on a contingent fee basis to pursue recovery for injuries Client S sustained from an automobile accident in December 2022. Esurance insured the at-fault driver at the minimum coverage limit of \$50,000.00. Respondent determined that neither the at-fault driver nor the vehicle's owner had significant assets to satisfy a larger judgment. Based on that information, Client S authorized Respondent to settle with Esurance for the policy limits. Respondent also determined that Client S potentially had underinsured motorist coverage through two policies with Allstate and Geico, each with \$25,000.00 policy limits. Respondent made policy limit demands on these policies. In early 2024, Client S authorized Respondent to settle with both Allstate and Geico at policy limits.

During that representation, Respondent was dealing with significant events in his personal life resulting from multiple felony counts against him. Those charges stemmed from an altercation with another person in June 2022 involving the alleged use of a firearm. In August 2023, Respondent's criminal trial ended in a mistrial. His criminal case was then reset for a March 2024 trial, which coincided with his work on Client S's matter. At the March 2024 criminal trial, the court convicted Respondent of one count of felony first-degree assault with intent. He was remanded into custody. On April 2, 2024, the trial court sentenced Respondent to ten years in the Department of Corrections, followed by three years of mandatory parole.

While in custody, Respondent wound down his law practice and instructed his staff to disburse from his trust account client and third-party funds, including Client S's money. Respondent's staff provided Client S with a disbursement statement, incorrectly showing Respondent received \$75,000.00 in settlement funds rather than the \$100,000.00 he actually received. Respondent's law firm disbursed funds, including to Client S, based on the incorrect figure. Client S notified Respondent's office that he objected to the disbursement. By that time, Respondent was in custody and did not respond to Client S, leading Client S to contact the People.

In July 2024, Respondent successfully challenged his criminal sentence. The trial court reduced his sentence to five years of probation and payment of restitution, resulting in Respondent's release from custody. During that time, the Colorado Supreme Court suspended Respondent from the practice of law on an interim basis pending the outcome of a formal disciplinary proceeding against him. On November 19, 2024, this Court approved the parties' stipulation to discipline in that matter and suspended Respondent for three years.

In the intervening time, the People investigated Client S's request for investigation. Through that process, the People and Respondent learned that Client S's disbursement statement was not accurate and, as a result, that Respondent withdrew money belonging to Client S when he closed his trust account. On learning of the error in April 2026, Respondent promptly wrote a check to Client S for the additional amount Client S was owed from the settlement. Client S acknowledged receiving the check.

The parties agree that through this conduct, Respondent violated Colo. RPC 1.15A(a) (requiring a lawyer to hold property of clients or third persons in the lawyer's possession in connection with a representation separate from the lawyer's own property) and Colo. RPC 1.15A(b) (requiring a lawyer to promptly deliver funds belonging to a client or third person any funds the client or third person is entitled to receive and to render a full accounting regarding that property).

The Parties' Sanctions Analysis

The parties stipulate that Respondent recklessly violated his duty to handle client funds properly, causing Client S actual injury through the lost use of some of his settlement funds for an extended period and the attendant frustration Client S experienced. On this basis, the parties agree that *Standard 4.12* of the American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")¹ sets the presumptive sanction here. ABA *Standard 4.12* provides for suspension when a lawyer improperly deals with client property and causes injury or potential injury to a client. The parties note that the baseline period of suspension is six months.²

The parties consider Respondent's substantial experience practicing law as an aggravating factor.³ As mitigating factors, the parties look to Respondent's absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, timely good faith effort to make restitution, and full and free disclosure to disciplinary authorities.⁴ The preponderance of mitigating factors over aggravating factors, say the parties, justifies a downward adjustment from the baseline period of suspension of six months.

On balance, the parties agree that the appropriate discipline is a three-month suspension with the requirement of formal reinstatement, to run concurrently with Respondent's current three-year suspension. As to the reinstatement requirement, the parties cite one instance in which

¹ Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).

² The ABA *Standards* counsel that a presumptive sanction of suspension should require a lawyer to serve at least a period of six months away from the practice of law. See ABA *Standard 2.3* ("Generally, suspension should be for a period of time equal to or greater than six months . . .").

³ ABA *Standard 9.22*(i).

⁴ ABA *Standard 9.32*(a), (b), (c), (d), (e). The parties agree that mitigation for the absence of prior discipline applies because Respondent's misconduct in this matter, including the act of withdrawing Client S's funds from the trust account, occurred primarily before Respondent's current three-year suspension took effect.

a hearing board imposed a similar reinstatement requirement when a lawyer recklessly transferred unearned client funds from the lawyer's trust account to his operating account.⁵ The parties add that as a practical matter, Respondent cannot seek reinstatement in this case until he is eligible for reinstatement from the three-year served suspension imposed in November 2024.

CONSIDERATIONS IN ADJUDICATING STIPULATIONS TO DISCIPLINE

In deciding the parties' stipulation, the Court is mindful of the guiding principles and authorities governing the imposition of lawyer discipline. 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 Colorado Rules of Professional Conduct in a manner that is fair, efficient, targeted, and proportionate; and safeguarding the rule of law to foster a robust system of justice.⁶

The Court considers those objectives as it endeavors to honor parties' stipulations, which further judicial economy and conserve parties' resources. The Court recognizes that parties who settle a matter may make concessions that reflect each party's consideration of the strengths and weaknesses in their own case, the weight of the evidence, witnesses' cooperation, and the parties' respective burdens of proof, among other factors.⁷ The Court is also cognizant that the People possess broad prosecutorial discretion to perform their duties in good faith.⁸ That discretion extends to entering settlement agreements, which are often the result of compromise.

Under C.R.C.P. 242.19, however, the Court operates as a final check on the parties' latitude to determine the appropriate disposition of a matter; the Court is tasked with exercising oversight in the name of public protection, systemic integrity, and consistency to approve or reject a stipulation to discipline.⁹ In doing so, the Court is favorably inclined to accept targeted and proportionate agreements that are consistent with the considerations governing the imposition

⁵ See *People v. Hyde*, 435 P.3d 477, 487 (Colo. O.P.D.J. 2018).

⁶ See Preamble to Chapters 18 to 20, Colorado Court Rules, ¶¶ 1, 2, 7.

⁷ Cf. *Wayte v. United States*, 470 U.S. 598, 607 (1985) (noting the factors that may affect a decision to prosecute include the strength of the case, the prosecution's deterrence value, and the government's objectives); see also *People v. Justice*, 2023 CO 9, ¶ 25 ("[W]hen the People . . . decide to participate in plea discussions, they have the discretion to determine what type of offer to make.") (citation omitted).

⁸ See *People v. Dist. Court*, 632 P.2d 1022, 1024 (Colo. 1981) (discussing prosecutors' broad discretion in performing their duties).

⁹ C.R.C.P. 242.19(c) ("Using discretion and in accordance with the considerations governing imposition of disciplinary sanctions, the [Court] may either reject the stipulation and order that the disciplinary proceeding go forward as otherwise provided in this rule or approve the stipulation and enter an appropriate order."); see also *In re Raykin*, 2025 CO 12 ¶ 4 n.1 (affirming the Court's denial of a stipulation in deference to the Court's "authority to make such decisions").

of disciplinary sanctions.¹⁰ Those considerations include the theoretical framework found in the *ABA Standards*, which were created “to enhance the consistency of sanctions imposed in attorney disciplinary proceedings,”¹¹ as well as authoritative case law and sanctions imposed after disciplinary hearings in comparable cases.¹²

In determining sanctions, the Colorado Supreme Court has “consistently recognized the *ABA Standards* . . . as the guiding authority for selecting the appropriate sanction to impose for lawyer misconduct.”¹³ However, while the *ABA Standards* are a guide in this process, “[t]hey are not the final word.”¹⁴ Indeed, “[f]lexibility and discretion are built into . . . the framework for determining the appropriate sanction.”¹⁵ Under the *ABA Standards*’ model, the Court must consider the duty the lawyer violated, the lawyer’s mental state, and the actual or potential injury the lawyer’s misconduct caused. These three variables yield a presumptive sanction that may then be adjusted based on aggravating and mitigating factors.¹⁶ These aggravating and mitigating factors “are intended as illustrative” and “are not to be applied mechanically in every case.”¹⁷ Relying on the parties’ knowledge of their case, the Court is generally inclined to accept the parties’ stipulated aggravating and mitigating factors, provided the factors are supported by, and at least not inconsistent with, the parties’ stipulated factual recitations.¹⁸

With these considerations in mind, the Court turns to the parties’ stipulation.

ANALYSIS

The Court has reviewed the parties’ stipulation, which it finds is consistent with considerations governing the imposition of disciplinary sanctions. As is appropriate under the *ABA Standards*’ framework, the parties agree to deviate from the prescribed six-month served suspension based on the predominance of stipulated mitigators over aggravators. Moreover, the Court finds the parties’ agreement as to the aggravating and mitigating factors and Respondent’s mental state are not inconsistent with the stipulated facts. In addition, the parties agree the requirement for formal reinstatement is consistent with other cases involving reckless handling of client funds while accounting for practical considerations of the case—namely, that Respondent

¹⁰ See C.R.C.P. 242.19(c).

¹¹ *In re Roose*, 69 P.3d 43, 47 (Colo. 2003).

¹² See C.R.C.P. 242.19(c); *In re Att’y F.*, 2012 CO 57, ¶ 19; *Raykin*, ¶ 18.

¹³ See *Roose*, 69 P.3d at 46-47.

¹⁴ *Raykin*, ¶ 31.

¹⁵ *Att’y F.*, ¶ 19.

¹⁶ *Id.*

¹⁷ *Raykin*, ¶ 37 (emphasis omitted) (quoting *In re Rosen*, 198 P.3d 116, 121 (Colo. 2008)).

¹⁸ See, e.g., *People v. Wilson*, 574 P.3d 1241, 1250 (Colo. O.P.D.J. 2025) (applying the mitigating factor of cooperative attitude toward the proceeding under *ABA Standard* 9.22(e) but according it negligible weight, where the People conceded that the lawyer initially cooperated in the case but that the mitigator was inconsistent with the lawyer’s later conduct in the matter).

is not eligible to seek reinstatement in this matter until he completes his preexisting three-year served suspension.

The Court thus finds that the parties' proposed sanction is appropriately tailored to the stipulated facts and to the circumstances of the case and will exercise discretion to **APPROVE** the parties' stipulation.¹⁹



DATED THIS 30th DAY OF SEPTEMBER, 2026.


BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

¹⁹ The Court will issue an order and notice of suspension contemporaneously with this opinion.

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