

People v. Peter John Korneffel Jr. 19PDJ028. May 2, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Peter John Korneffel Jr. (attorney registration number 19836) for three years, effective May 2, 2019. To be reinstated, Korneffel will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

From September 2015 until January 2018, Korneffel misled a client into believing that he had initiated an arbitration proceeding on behalf of the client concerning a \$12 million claim. At the beginning of the representation, Korneffel's law firm advised him that a conflict existed between the client and the other party, who was also an existing client of Korneffel's firm. The existing client refused to waive the conflict. Korneffel told the firm that he would not take any action adverse to the existing client, yet he told his client in the arbitration matter that he would initiate the arbitration proceeding. Korneffel prepared and sent his client a demand for arbitration, but he never sent the demand to the other party. He also drafted an opening brief and told his client that he had submitted the brief when he had not done so. The client paid for this work. Korneffel further described to his client a conference with the arbitrator that never occurred. In January 2018, Korneffel's firm learned of his deception. Thereafter, his firm entered into a settlement agreement with the client and compensated the client for the harm that Korneffel had caused.

In 2015, Korneffel's anxiety and depression became overwhelming, but he never sought treatment. Korneffel suffered a heart attack in 2017, likely due to his anxiety, stress, and depression, but he still did not seek mental health treatment. In January 2018, after his firm learned of his deception, Korneffel was arrested for driving under the influence. He later pleaded guilty to driving while ability impaired and to driving too fast for the conditions, both misdemeanors.

The parties agree that Korneffel's anxiety and depression were so substantial that they interfered with his ability to practice law.

Through his conduct, Korneffel violated Colo. RPC 1.4(a)(1) (a lawyer shall promptly inform the client of any decision or circumstance as to which the client's informed consent is required); Colo. RPC 1.4(a)(5) (a lawyer shall consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the rules); Colo. RPC 1.7 (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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