

People v Johnson No. 01PDJ022, 3/13/01. Attorney Regulation.

The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and publicly censured Respondent, Rodney Gardner Johnson, in this reciprocal discipline matter from the State of Arizona. Respondent acted as local bar counsel representing plaintiffs in a malpractice action in Arizona. Co-counsel for the plaintiffs entered into a pretrial agreement stipulating to allow additional witnesses listed after the disclosure cutoff date and in exchange, the plaintiff would voluntarily dismiss the case with prejudice against the defendant physician. Respondent was not informed of the agreement nor did he learn of it until the last days of the two-week trial. Respondent was instructed by co-counsel not to inform the trial court. The court discovered the agreement in a reference to it in another pending matter. The court sanctioned respondent and counsel of record to pay \$15,000 to the clerk of the court for wrongfully expropriating the resources of the court for their own aims. Respondent violated Colo. RPC 3.3(a)(1) and Colo. RPC 4.1. Respondent was ordered to pay the cost of the disciplinary proceeding.