

*People v. Cardwell*, No. 00PDJ074. 7/11/01. Attorney Regulation.

The Presiding Disciplinary Judge and Hearing Board suspended Respondent, Jerry E. Cardwell from the practice of law for a period of three years with eighteen months stayed. Respondent represented a client in a matter involving an alcohol-related driving offense and illegal use of a weapon charge pending in Jefferson County. Shortly thereafter, he represented the client in a matter pending in Arapahoe County involving another alcohol-related driving offense. Respondent negotiated a plea agreement for the client with the Arapahoe County District Attorney, but failed to inform the district attorney's office of the Jefferson County case. Respondent and the client both signed a motion to settle the Arapahoe County charges by plea agreement, stating that the client had "no prior or pending alcohol-related driving offenses in this or any other state." While appearing before the Arapahoe County court, respondent and the client represented to the court that the client had had no prior alcohol-related driving offenses. The client entered a plea of guilty to a reduced charge of DWAI -- first offense -- with respect to the Arapahoe County charges. The client was sentenced as a first time offender. Later, the court had to correct the improper plea and sentence entered on the basis of the misrepresentations. Respondent stated that he mistakenly believed the case in Jefferson County was not final at the time the client entered his plea in Arapahoe County. The Arapahoe County District Attorney subsequently brought charges against respondent, and respondent pled guilty to perjury in the second degree and improperly attempting to influence an official. Respondent's conduct violated Colo. RPC 1.1, Colo. RPC 8.4(d), Colo. RPC 1.2(d), Colo. RPC 3.3(a)(1), Colo. RPC 3.3(a)(2), Colo. RPC 4.1(b), Colo. RPC 8.4(c) and Colo. RPC 8.4(b) constituting grounds for discipline pursuant to C.R.C.P. 251.5(b). Respondent was ordered to pay the costs of the proceedings.