

SEP 01 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

GREGORY C. LANGHAM  
CLERK

IN THE MATTER OF  
ROBERT JOHN CORRY  
09-DP-43

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ORDER DENYING REINSTATEMENT AND DISBARRING COUNSEL

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Before the Disciplinary Panel for the U.S. District Court for the District of Colorado is the Application for Reinstatement filed by ROBERT JOHN CORRY pursuant to D.C.COLO.LCivR 83.5(I) and D.C.COLO.LCrR 57.7(I). After a thorough investigation, the Committee on Conduct for the U.S. District Court for the District of Colorado recommended that the Disciplinary Panel deny the Petitioner's Application for Reinstatement and enter an order disbaring him. The Disciplinary Panel concurs.

Mr. Corry was admitted to the California State Bar on December 2, 1994, to the District of Columbia Bar on April 2, 2001, and to the Colorado State Bar on May 14, 2001. Mr. Corry was admitted to the United States District Court for the District of Colorado on May 23, 2001. He is currently active and in good standing in the District of Columbia and the states of California and Colorado. Mr. Corry, however, is not in good standing in the United States District Court for the Northern District of California, having been removed from the Attorney Roll for failing to respond to an order to show cause issued by the District Court.

An Application for Reinstatement or Readmission is governed by D.C.COLO.LCivR 83.5I. and D.C.COLO.LCrR 57.7I, each of which states that "[r]einstatement or readmission is neither

automatic nor a matter of right." Rule 83.5I. further provides, in pertinent part:

An attorney applying for reinstatement or readmission to this court following reinstatement or readmission by the original disciplining court who remains suspended or disbarred in a court other than the original disciplining court or this court is subject to D.C.COLO.LCivR 83.3E. and D.C.COLO.LCR 57.5E. requiring attorneys to be in good standing in all courts where admitted in order to be or remain admitted to the bar of this court. An attorney suspended or disbarred automatically in a court other than the original disciplining court or this court as a result of suspension or disbarment by the original disciplining court may petition this court for relief from the rule of good standing pursuant to D.C.COLO.LCivR 83.3F. or D.C.COLO.LCR 57.5F., stating appropriate grounds for such relief.

Because Mr. Corry is not in good standing in the Northern District of California, he is not eligible for reinstatement to the bar of this court. His only recourse is to petition for and be granted relief from the Rule of Good Standing pursuant to D.C.COLO.LCivR 83.3F. and D.C.COLO.LCR 57.5F.

Notwithstanding Mr. Corry's ineligibility for reinstatement, the Disciplinary Panel has reviewed the merits of his application for reinstatement in anticipation that he will remedy his lack of good standing in the Northern District of California and submit another application for reinstatement, or in the alternative petition for relief from the Rule of Good Standing.

Mr. Corry's disciplinary history stems from a criminal action filed against him in the District of Columbia in 1998 and a separate and unrelated criminal action filed against him in Jefferson County, Colorado, in 2006. On October 20, 1998, Mr. Corry pled guilty to possession of a prohibited weapon, possession of an unregistered firearm and simple assault, all misdemeanor offenses in the District of Columbia. Mr. Corry stated that he served 40 days in jail for the offenses.

As a result of his conviction in the District of Columbia, Mr. Corry received a "Public Reproval" from the California Supreme Court on January 6, 2000. In his Application for Admission to the Bar of this Court on May 23, 2001, he did report the suspension by the California bar authorities.

On November 13, 2006, Mr. Corry pled guilty in the Jefferson County, Colorado, District Court to violating C.R.S. § 18-3-204 (Third Degree Assault), a Class 1 misdemeanor. Third Degree Assault is an extraordinary risk crime that is subject to the modified sentencing range specified in C.R.S. § 18-3-501(3). This statute states that extraordinary risk crimes "present an extraordinary risk of harm to society and therefore, in the interest of public safety, the maximum sentence for such misdemeanors shall be increased by six months." Accordingly, the sentencing range for the offense is 6 to 24 months of imprisonment. On January 22, 2007, Mr. Corry was sentenced to a term of imprisonment of sixty days and a period of probation of five years. He remains on probation until January 2012.

Based on the criminal conviction in Jefferson County, the Colorado Supreme Court suspended Mr. Corry for one year and one day, with the discipline fully stayed upon the successful completion of a three-year period of probation. Based on the same criminal conviction and the disciplinary suspension in Colorado, the District of Columbia imposed identical, reciprocal discipline to that imposed by the Colorado Supreme Court. The California Supreme Court, however, imposed an actual suspension of sixty days, a one-year, stayed suspension and a probationary period of three years. Because the California discipline resulted in an actual suspension, this Court



downgraded his bar status to "not in good standing."

Mr. Corry failed to notify this Court of the discipline imposed by the Colorado Supreme Court, the California Supreme Court and the District of Columbia until he responded to orders to show cause issued on two separate occasions by this Court. On October 26, 2007, former Chief Judge Edward W. Nottingham issued an Order to Show Cause to Mr. Corry to show cause why disciplinary action should not be initiated for his failure to provide notice of his suspension in Colorado. Mr. Corry responded stating he must have misinterpreted the local rules. On November 14, 2007, the Order to Show Cause was nonetheless discharged by Chief Judge Nottingham. On April 27, 2009, Chief Judge Wiley Y. Daniel issued an Order to Show Cause to Mr. Corry to show cause why disciplinary action should not be initiated for his failure to provide required notice of his suspension in the State of California. Mr. Corry responded to the Order to Show Cause stating he had been an inactive member of the California State Bar since 2007, had no cases or clients in California, and had no plans to practice there in the near future. He further stated that he had no active cases or clients in this Court and that his failure to report his California suspension to this Court was an "unintentional oversight." On May 29, 2009, the Order to Show Cause was discharged by Chief Judge Daniel.

More egregiously, as to the Jefferson County, Colorado, criminal case, Mr. Corry failed to comply with the reporting requirements of the local rules of this Court. Under D.C.COLO.LCivR 83.5J.3., Mr. Corry was required to notify the Court that he was charged with a criminal offense

within ten days after charges were filed. Furthermore, pursuant to D.C.COLO.LCivR 83.5J.1., Mr. Corry was required to provide notice within ten days of his conviction if the crime for which he was convicted was punishable by a term of imprisonment greater than one year. Had he complied with these reporting requirements, he would have been automatically suspended upon his conviction and disbarred upon his conviction becoming final. When asked about his failure to report being charged with a crime and his ultimate conviction for that crime, Mr. Corry laid blame for both notification failures on his attorneys.

The Disciplinary Panel does not view as solely dispositive his notification failures or the fact that his bar status should have been one of "disbarment" rather than "not in good standing." Whether an applicant has been disbarred or has a bar status of "not in good standing," the evaluation of the merits of an application for readmission or reinstatement are nearly identical. These factors include whether the applicant provided full and complete disclosure, the nature of the offense or offenses for which the applicant was disciplined, the steps taken by the applicant to remedy the remissions underpinning the discipline, the applicant's acceptance of responsibility for the sanctionable behavior leading to the discipline, evidence of sincere remorse, and cooperation in responding to requests for further information or further elaborations.

It is evident to the Disciplinary Panel that throughout the process Mr. Corry failed to provide adequate disclosure. The appearance exists, certainly, that he extended some effort to obscure and obfuscate critical facts surrounding his criminal convictions and the consequent discipline imposed

by various courts. For example, Mr. Corry stated that the conduct that led to his discipline in California was his "'guilty' plea to, and conviction of, a single criminal misdemeanor simple assault charge which arose at my home in Jefferson County Colorado, unrelated to the practice of law or to any client." The conviction was for Third Degree Assault, a Class 1 misdemeanor under C.R.S. § 18-3-204. This was not "simple assault." Moreover, Mr. Corry neglected to provide any details or documents regarding the Jefferson County case, failed to disclose that he received a sentence of 5 years of probation with 60 days of jail, and failed to state that he remains on probation in Jefferson County until January 2012.

In addition, Question 11 in the Application for Reinstatement asks, "[w]ere you disciplined by any jurisdiction other than this court and was that discipline that which led to the suspension or disbarment in this court?" If the response to the question is yes, the application requires a full explanation and complete documentation. In his response Mr. Corry references only the discipline against him by the California Supreme Court and "concurrent discipline from federal courts in California." He does not provide complete documentation regarding all disciplinary matters in all state and federal courts. He fails to mention anything regarding the District of Columbia, which imposed identical, reciprocal discipline to that imposed by the Colorado Supreme Court. Only upon investigation by a Committee member was it discovered that he was not in good standing in the District of Columbia. To be fair, the suspension turned out to be a clerical error as the suspension was stayed, but the responsibility lay with Mr. Corry, and not the Committee, to discover and correct

any oversight by the District of Columbia before submitting his application.

Based on the foregoing, it is therefore

ORDERED that the Application for Reinstatement by ROBERT JOHN CORRY is

DENIED;


ORDERED that ROBERT JOHN CORRY is hereby DISBARRED.

Dated at Denver, Colorado this 31st day of August, 2011.

BY THE DISCIPLINARY PANEL OF THE COURT:

  
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Wiley Y. Daniel, Chief Judge

  
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Robert E. Blackburn, Judge

  
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Philip A. Brimmer, Judge