

People v. Robert J. Corry. 20PDJ039. November 13, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Robert J. Corry (attorney registration number 32705) for one year and one day. The suspension took effect November 13, 2020. To be reinstated, Corry must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In 2015, a defendant in a federal civil case involving a marijuana grow operation retained Corry, who also represented several other codefendants in the case. The client paid Corry a flat fee for the benchmarks detailed in the fee agreement. But Corry did not maintain records associating any met benchmarks with transfers that he made to his operating account from his "COLTAF account"—which was in actuality a business savings account, not a COLTAF account, as it was not registered with the Colorado Lawyer's Trust Account Foundation. At the outset of the representation, Corry gave the client a waiver of conflict form, but the client did not understand how a conflict might arise or affect his interests. Corry's firm litigated the case through trial and an appeal. On remand, Corry's firm withdrew from the client's representation based on a potential conflict, but the firm continued to represent other codefendants, even though the codefendants' defenses were likely adverse to the client and the firm had acquired material information about the client.

In another engagement, Corry agreed to provide compliance advice in exchange for a flat fee. Corry deposited the client's initial payment into his ersatz "COLTAF account." Thereafter, Corry failed to maintain accounting records linking the transfers between that account and his operating account to specific benchmarks in the fee agreement.

In a third matter, Corry's firm was retained for licensing assistance. The clients purportedly signed a flat-fee form agreement that effectively allowed Corry to earn the entire fee once his firm completed any substantive work. Soon after receiving the funds, Corry transferred them to his checking account without keeping records attributing the transfers to specific clients or matters. Corry's associate served as the only point of contact for the clients, but the associate left Corry's employ during the representation. Corry then failed to retain a file for the clients, to respond to the clients' repeated attempts to communicate, and to complete any substantive work on the matter.

In 2019, Corry appeared on behalf of his wife in a parenting time action brought by his wife's ex-husband. The ex-husband moved to disqualify Corry based on Corry's concurrent conflict of interest and the likelihood that he would be called to testify as a necessary witness. The court granted the motion over Corry's objection. In September 2020, Corry pleaded guilty to one count of criminal mischief as an act of domestic violence and one count of violation of a protection order as an act of domestic violence. Corry had damaged his then-girlfriend's car when he drove it recklessly, giving rise to the criminal mischief count. He violated the protective order in place between him and his then-girlfriend when they married in 2019.

Finally, Corry violated multiple court orders in his own domestic relations case by failing to meet his child support obligation; to pay his children's tuition and for their extracurricular activities; to maintain his children's health insurance policy; and to obtain a life insurance policy for his children's benefit. He also violated court orders requiring him to undergo alcohol monitoring and to abstain from consuming alcohol.

Through this conduct, Corry violated Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(a) (a lawyer shall not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.7(a)(2) (a lawyer shall not represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.8(i) (a lawyer generally shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client); Colo. RPC 1.9(a) (a lawyer who has formerly represented a client in a matter shall not later represent another person in the same or a substantially related matter in which that person's interests are materially adverse to those of the former client, absent written informed consent); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D(a)(1)(A) (a lawyer shall maintain an appropriate record-keeping system to track funds or other property held for others); Colo. RPC 1.16(a) (a lawyer shall not represent a client, or shall withdraw from representation, if the representation will result in a violation of the Rules of Professional Conduct or other law); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning any papers and property to which the client is entitled); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); 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(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

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