

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

DAVID M. KORREY,
Bar No. 005301

Respondent.

PDJ-2017-9102

**FINAL JUDGMENT AND
ORDER OF REPRIMAND
WITH PROBATION**

FILED NOVEMBER 16, 2017

On August 30, 2017, the presiding disciplinary judge, (“PDJ”) sent Mr. Korrey a notice pursuant to Rule 57(b)(2), Ariz. R. Sup. Ct.,¹ to his address of record under Rules 54(h) and 57(b). The notice included a certified copy of his July 11, 2017 Order of Suspension with Probation issued by the Supreme Court of Nevada. That Order stayed his 3-month suspension, in favor of six months of probation. His probationary term began July 11, 2017.

On October 2, 2017, Mr. Korrey filed an objection stating: the Nevada Supreme Court did not afford him due process; there was such an infirmity of proof that this judge should not accept the decision; that imposition of the same discipline would be a grave injustice; and the misconduct in Arizona would warrant a reprimand.

¹ Unless otherwise stated, all Rule references are to the Ariz. R. Sup. Ct.

The PDJ was informed by the parties in a telephonic conference that they intended to jointly file a response. By stipulation time was expanded for the parties to file a joint response by order of the PDJ filed on October 17, 2017. Under Rule 60, the PDJ has no authority to issue a stayed suspension out of proceedings initiated in Arizona. There is no “substantially similar discipline” in Arizona. *See* Rule 57(b)(3). However, that Rule also permits the presiding disciplinary judge to impose “identical” discipline.”

On November 9, 2017, the parties filed a joint memorandum regarding reciprocal discipline. The memorandum states that the discipline Mr. Korrey received arose from a finding that he failed “to adequately supervise his non-lawyer staff that ultimately resulted in the conversion of client and provider funds.” The parties submit that issuing a reprimand with probation is substantially similar to the stayed suspension with probation terms issued in Nevada.

The findings in Nevada were that Mr. Korrey “never intended to defraud the clients or the lien holders.” The findings acknowledge that the scheme used by the employers was elaborate making discovery of the scheme difficult. The parties point to various cases that substantiate the position that reprimand with probation is warranted under the *ABA Standards For Imposing Lawyer Sanctions*. The parties jointly request the imposition of a reprimand and probation not to be effective until January 11, 2018, to ensure there is no possibility Mr. Korrey will be suspended by

operation of the Nevada Order. The only term of probation proposed is that Mr. Korrey successfully complete and satisfy the terms of probation in Nevada. Accordingly:

IT IS ORDERED pursuant to Rule 57(b)(3), imposing the substantially similar reciprocal discipline of reprimand and probation with the term of probation to be retroactive to July 11, 2017. As a term of probation, Mr. Korrey shall successfully complete and fully satisfy his term of probation on or before January 11, 2018 as ordered by the Nevada Supreme Court.

DATED this November 16, 2017.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing e-mailed/mailed
this November 16, 2017, to:

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