



BEFORE THE ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE:        **JOHN MARSHALL MAY**  
                 Arkansas Bar ID #2000039  
                 CPC Docket No. 2019-018

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based relate to criminal charges filed in the case of *State of Arkansas v. John M. May*, Poinsett County Circuit Court Case No. 56CR-2017-417. Respondent May was served with the formal complaint, filed a timely response, and following a ballot vote by Panel B, timely requested a public hearing.

1. The hearing was conducted on November 20, 2020 via Zoom before Panel A. Caroline Bednar represented the Office of Professional Conduct. Jeff Rosenzweig represented Mr. May. The hearing Panel consisted of: Acting Chair Mark Martin; members Lisa Ballard (attorney), Michael Boyd (attorney), and Erin Cassinelli (attorney); and substitute members James Simpson (attorney), Carlton Saffa (non-attorney), and Mark Smith (non-attorney).
2. Evidence presented by the Office of Professional Conduct included court related documents and a transcript of the plea hearing. Respondent introduced counseling records and two disciplinary opinions relating to prior conduct of separate attorneys. The prior disciplinary orders were admitted over the objection of the Office of Professional Conduct. The only testimony was from Respondent during Respondent's case in chief.
3. The facts established through the admitted exhibits are that on April 12, 2019, May, while represented by counsel, entered a guilty plea to the charge of Possession of Drug

Paraphernalia (Class D Felony) from an offense date of August 24, 2017. May entered the guilty plea pursuant to the Arkansas First Offender Act, Arkansas Code Annotated §§16-93-301 et. seq. May was placed on probation for three (3) years with conditions.

4. May was the only witness to testify. May acknowledged his guilty plea and the underlying offense. May testified that he enrolled in JLAP and completed the treatment recommended by his counselor. Counseling records were provided to the Panel for review. May testified that in June 2017 he was involved in a motor vehicle accident that resulted in serious injury that resulted in memory loss. Following the accident, May stated that he self-medicated with alcohol and drugs, resulting in clouded judgment. At the time of his arrest, May testified he did not recall the events leading to the arrest. May stated that he did not have many clients at the time of his arrest and had not been practicing much. May testified that following his arrest he attended a treatment facility in Dallas, Texas, where his drug and alcohol problems were addressed. May believed that his progress in recovery was real and that, while his recovery is not complete, he is mentally stronger and living a healthier lifestyle.
5. Members of the Panel had questions for Mr. May following his testimony concerning his law practice at the time of his accident, whether he was currently on medication, when he was last drug-tested, his financial status, and what his expectations were if his license were reinstated. May testified that he was not currently on medication. He stated that he was last drug-tested in January 2020. May stated that he speaks to a counselor for one hour every three weeks or so. He stated that he was currently living on the assistance of family and his girlfriend as he was not currently able to work due to his physical illness.

Upon consideration of the formal Complaint and attached exhibit materials, the Response to it, evidence presented, testimony heard, other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

By a unanimous vote, Panel A found that John Marshall May violated Rule 8.4(b), in that on August 24, 2017, May possessed drug paraphernalia which is a felony offense pursuant to May's guilty plea in Poinsett County Circuit Court Case No. CR-2017-417. Arkansas Rule 8.4(b) requires that 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. Panel A found, by 6-1 vote, the appropriate sanction to be imposed in this matter was a suspension of Mr. May's license to practice law for a period of five (5) years. Panel Member Erin Cassinelli agreed that a suspension was appropriate, but the appropriate period was for three (3) years. Following the Panel's announcement of its decision, Mr. May's counsel asked the Panel to give credit for the time Mr. May had already been suspended following the August 20, 2019, Order of Interim Suspension. The Office of Professional Conduct asked the Panel to impose costs in the proceeding, a standard fee of Fifty Dollars (\$50.00) and court reporter costs of Two Hundred Fifty Dollars (\$250.00). After deliberation, the Panel granted May's request and the effective start date of the five-year suspension shall be August 20, 2019. The Panel also granted the Office of Professional Conduct's request of costs totaling Three Hundred Dollars (\$300.00).

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Respondent John Marshall May, Arkansas Bar ID#2000039, be, and hereby is, Suspended for a period of five (5) years, with an effective start date of August 20, 2019. The Order for Interim Suspension is hereby dissolved as

it is replaced with this Findings and Order. May is assessed costs in the amount of Three Hundred Dollars (\$300.00) payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within 30 days following the filing of this Findings and Order.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL A

By: Mark L. Martin

Mark L. Martin, Vice-Chair, Panel A

Date: 12.1.20