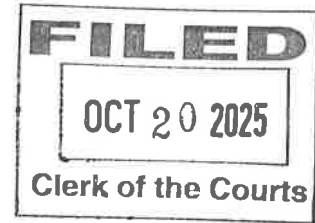


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A**

**IN RE: JONATHAN PHILLIP MARTIN  
ARKANSAS BAR NO. 2015041  
CPC Docket No. 2025-014**



**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order arose from an Order entered by United States District Court Judge Brian S. Miller on August 26, 2024, in which Judge Miller referred Jonathan Phillip Martin ("Martin") to the Office of Professional Conduct ("OPC") for abandoning his client without justification. Martin is an attorney licensed to practice law in the State of Arkansas and assigned Bar Number 2015041.

1. On May 12, 2023, Martin, along with his associate, Sydney Rasch ("Rasch"), filed an employment discrimination action on behalf of their client, Charleston Sharkey ("Sharkey") against Utility Trailers Manufacturing Company.

2. On April 18, 2024, Sydney Rasch filed a Motion to Withdraw on behalf of her firm, Turner, Rasch & Martin, LLP. In the motion, she stated that Martin had to unexpectedly leave the law firm for personal reasons, which required Rasch to take over as counsel on a number of Martin's pending cases. Due to the unexpected increase in the caseload, Rasch stated that neither she nor the firm would be able to effectively represent Sharkey.

3. On April 29, 2024, the Court granted Rasch's Motion to Withdraw as counsel. Because Martin had not filed a Motion to Withdraw, the Court ordered that Martin remain as counsel for Sharkey and directed the clerk to send a copy of the order to Martin and Sharkey.

4. On July 8, 2024, the Defendant filed a Motion for Sanctions for Plaintiff's Failure to Appear at his Noticed Deposition.

5. In his *pro se* Response filed on July 18, 2024, Sharkey stated that he did not have a lawyer yet, but he had been looking for one. He stated that he had reached out to the Defendant's attorney to reschedule the deposition but never got a response.

6. An Order was issued by the Court on July 23, 2024, denying the Defendants' request for reimbursement since Sharkey attempted to contact Defense counsel to reschedule the deposition. The Court noted that it was apparent from the record that Martin had not communicated with either Sharkey or Defense counsel in months. Sharkey was given until August 23, 2024, to show cause as to why the case should not be dismissed for failure to prosecute or participate in discovery. Martin was given until August 23, 2024, to show cause why he should not be referred to OPC for abandoning his client without justification.

7. On August 26, 2024, the Court entered an Order finding that Martin had not timely responded to the July 23, 2024, Show Cause Order. The Clerk was directed to terminate Martin as counsel and send a copy of the order to Sharkey. Sharkey was ordered to find counsel or file notice that he planned to proceed *pro se* within thirty days of the Order. The Court referred Martin to the OPC for abandoning his client without justification.

8. On September 12, 2024, Sharkey filed a Notice of Change of Address and Notice of Intent to Proceed *Pro Se*.

9. A Stipulation of Dismissal with Prejudice was filed on November 5, 2024. The Court entered an Order and Judgment on November 6, 2024, confirming the dismissal of the case with prejudice.

Upon consideration of the formal complaint and attached exhibit materials, Martin's answer to the formal complaint, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Arkansas Rule 1.16(c) requires that a lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation. Jonathan Phillip Martin violated Rule 1.16(c) as follows:

a. Martin did not comply with applicable law when terminating his representation of Sharkey. Martin did not file a motion to withdraw as counsel, he did not provide any justification for withdrawal, nor did he ever obtain permission from the Court to be relieved.

b. Despite the Court's Order to proceed as Sharkey's attorney, Martin failed to do so. The Court was required to issue a show cause order to Martin as to why he should not be reported to OPC for abandoning his client. Martin failed to respond to the Court's order.

B. Arkansas Rule 1.16(d) requires that, upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other laws. Jonathan Phillip Martin violated Rule 1.16(d) as follows:

a. Martin stopped communicating with his client and failed to protect his client's interests, causing a Motion for Sanctions to be filed against Sharkey.

b. Martin failed to represent Sharkey despite the Court's order to do so, leaving Sharkey without representation during the pendency of the lawsuit.

C. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists. Jonathan Phillip Martin violated Rule 3.4(c) as follows:

a. Martin failed to continue representing Sharkey when ordered to do so by the Court.

b. Martin did not respond to the Court's order directing him to show cause as to why he should not be reported to OPC for abandoning his client.

**WHEREFORE**, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **JONATHAN PHILLIP MARTIN** Arkansas Bar No. 2015041, shall be placed on **TWELVE (12) MONTHS OF SUPERVISED PROBATION**, subject to monthly reports and other conditions as set forth in a separate order, for his conduct in this matter. Martin shall also pay costs in the amount of ONE HUNDRED FIFTY DOLLARS (\$150.00) in accordance with Section 18.A of the Procedures payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

**IT IS SO ORDERED.**

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL D

  
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Don R. Etherly, Chair, Panel A

  
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Date