

IN THE SUPREME COURT OF PENNSYLVANIA

| | | |
|------------------------------------|---|------------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 3032 Disciplinary Docket No. 3 |
| | : | |
| | : | No. 123 DB 2022 |
| | : | |
| Petitioner | : | |
| v. | : | Attorney Registration No. 316726 |
| | : | |
| | : | (Dauphin County) |
| ASHLEY DRUE MARTIN, | : | |
| | : | |
| | : | |
| Respondent | : | |

ORDER

PER CURIAM

AND NOW, this 9th day of April, 2024, upon consideration of the Report and Recommendations of the Disciplinary Board, Ashley Drue Martin is suspended from the Bar of this Commonwealth for a period of one year and one day. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 04/09/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

| | | |
|---------------------------------|---|----------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 123 DB 2022 |
| Petitioner | : | |
| | : | |
| v. | : | Attorney Registration No. 316726 |
| | : | |
| ASHLEY DRUE MARTIN, | : | |
| Respondent | : | (Dauphin County) |

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on September 8, 2022, Petitioner, Office of Disciplinary Counsel, charged Respondent, Ashley Drue Martin, with violations of the Rules of Professional Conduct (“RPC”) and Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”) based on allegations that she mishandled two client matters and failed to take appropriate actions with regard to her license to practice law. Respondent was personally served with the Petition for Discipline on September 9, 2022, but failed to file an Answer.

The Hearing Committee Chair conducted a prehearing conference on December 8, 2022. Respondent received notice of the conference but failed to appear. Pursuant to Supplemental Prehearing Order dated December 8, 2022, the factual allegations of the Petition for Discipline were deemed admitted under Pa.R.D.E. 208(b)(3), as a result of Respondent's failure to file an Answer. The Hearing Committee ("Committee") held a disciplinary hearing on June 20, 2023. Respondent received notice of the hearing, but failed to appear. Petitioner presented argument and exhibits ODC-A through ODC-KK. Following Petitioner's presentation of its case, the Committee determined that Petitioner established a prima facie case of at least one violation of the Rules of Professional Conduct. In aggravation, Petitioner presented exhibits ODC-1 through ODC-6. The record was closed on June 20, 2023.

On July 28, 2023, Petitioner submitted a post-hearing brief to the Committee and requested that the Committee recommend to the Board that Respondent be suspended for a period of at least one year and one day. Respondent did not file a post-hearing brief.

By Report filed on November 15, 2023, the Committee concluded that Respondent violated the rules charged in the Petition for Discipline and recommended that she be suspended for a period of one year and one day. The parties did not take exceptions to the Committee's recommendation. The Board adjudicated this matter at the meeting on January 23, 2024.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, PA 17106-2625, is invested pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.
2. Respondent is Ashley Drue Martin, born in 1986 and admitted to practice law in the Commonwealth of Pennsylvania in 2013. Respondent is currently on administrative suspension and maintains her address of record with the Attorney Registration Office at 446 Northstar Drive, Harrisburg, PA 17112. (Pet. for Disc., at ¶ 2)
3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

Ashley Drue Law, LLC Matter

4. In early-to-mid September 2020, Respondent resigned her employment as an associate attorney with the Law Offices of Roy Galloway (“Galloway firm”). (Pet. for Disc., at ¶ 4)
5. Approximately 15 clients chose to continue representation with Respondent, and their files were transferred from the Galloway firm to Respondent. (Pet. for Disc., at ¶ 5)

6. Respondent subsequently opened a solo practice, Ashley Drue Law, LLC, located in office space at 3300 East Trindle Road, Camp Hill, Pennsylvania 17011, which Respondent leased within the Palermo Law office. (Pet. for Disc., at ¶ 6; ODC-A)
7. Within a short period of time following Respondent's departure, the Galloway firm began receiving calls from clients who continued with Respondent's representation, complaining that they were unable to communicate with Respondent. (Pet. for Disc., at ¶ 7)
8. At least one of Respondent's clients ultimately elected to resume representation with the Galloway firm. (Pet. for Disc., at ¶ 8)
9. On or about February 13, 2021, Respondent vacated the office space she leased from Palermo Law. (Pet. for Disc., at ¶ 9)
10. Respondent failed to promptly provide an updated address and contact information to Attorney Registration or the courts before which she practiced. (Pet. for Disc., at ¶ 10; ODC-B; ODC-C)
11. Following her departure from the Palermo Law location, several of Respondent's clients stopped by the Palermo Law office to locate Respondent. (Pet. for Disc., at ¶ 11)
12. Respondent did not provide a forwarding address to Palermo Law; the Palermo Law office continues to receive mail addressed to Respondent. (Pet. for Disc., at ¶ 12)

The Lawson Matter

13. On January 18, 2018, Rashad Lawson was arrested and charged with serious criminal offenses. (Pet. for Disc., at ¶ 13; ODC-D)

14. On May 21, 2018, while still employed by the Galloway firm, Respondent entered her appearance as counsel for Mr. Lawson in the matter captioned and docketed at *Commonwealth v. Rashad Curtis Lawson*, CP-22-CR-0001029-2018 (Dauphin Co.). (Pet. for Disc., at ¶ 14; ODC-D, Bates 0008)
15. Upon Respondent's departure from the Galloway firm, Mr. Lawson chose to continue with Respondent's representation. (Pet. for Disc., at ¶ 15)
16. On July 15, 2021, August 21, 2021, September 9, 2021, and October 14, 2021, Mr. Lawson was scheduled to appear for plea court. (Pet. for Disc., at ¶ 16)
17. Each time, despite receiving notice of the plea court date, Respondent failed to appear. (Pet. for Disc., at ¶ 17)
18. Respondent failed to inform Mr. Lawson of the plea court dates, resulting in his failure to appear. (Pet. for Disc., at ¶ 18)
19. Respondent failed to inform Mr. Lawson, opposing counsel, or the presiding judge, the Honorable Scott Evans, of her intention not to appear for plea court, or take any action to preserve Mr. Lawson's rights. (Pet. for Disc., at ¶ 19)
20. Each time Mr. Lawson's matter was called, Assistant District Attorney Jennifer Gettle ("ADA Gettle"), who was assigned to prosecute the *Lawson* matter, would contact Respondent via text message regarding her absence:
 - a. On July 15, 2021, Respondent stated she was at a medical appointment for her mother and specifically requested that the matter be continued to August 12, 2021.
 - b. On August 12, 2021, Respondent claimed she had not seen Mr. Lawson's name on the plea list, despite that it was clearly contained thereon, and the matter had been continued to that date at Respondent's request.

c. On September 9, 2021, Respondent did not respond to ADA Gettle's communication. The following day, Respondent's administrative suspension, discussed *infra*, became effective.

(Pet. for Disc., at ¶ 21; ODC-E, Bates 0019-0020)

21. On September 15, 2021, Judge Evans issued an Order directing Respondent to appear in person before the Court on October 14, 2021, to represent Mr. Lawson.

(Pet. for Disc., at ¶ 21; ODC-F)

22. Respondent failed to appear on October 14, 2021, and did not contact the Court to explain her absence or inability to appear. (Pet. for Disc., at ¶ 22; ODC-G)

23. Respondent failed to withdraw as counsel for Mr. Lawson. (Pet. for Disc., at ¶ 23; ODC-D, Bates 0008; ODC-E, Bates 0030)

24. Respondent failed to inform Mr. Lawson, the Court, or opposing counsel that she was administratively suspended, effective September 10, 2021, and was unable to continue to represent Mr. Lawson. (Pet. for Disc., at ¶ 24; ODC-E, Bates 0021-0022)

25. Following Respondent's failure to appear on October 14, 2021, Judge Evans issued an Order directing Respondent to appear on November 10, 2021, to show cause why she should not be held in contempt. The Order additionally stated, "An unexcused failure to appear may result in a finding of contempt and the issuance of a bench warrant." (Pet. for Disc., at ¶ 25; ODC-G)

26. Respondent received notice of the November 10, 2021, show cause hearing. (Pet. for Disc., at ¶ 26)

27. Respondent failed to appear at the November 10, 2021, show cause hearing. (Pet. for Disc., at ¶ 27; ODC-H)

28. Judge Evans, by Order dated November 10, 2021, again directed Respondent to appear, this time on December 9, 2021, to show cause why she should not be held in contempt. (Pet. for Disc., at ¶ 28; ODC-H)
29. Respondent received the November 10, 2021, Order *via* personal service by the Dauphin County Sheriff's Office, which was arranged through contact with Respondent's father and brother. (Pet. for Disc., at ¶ 29)
30. Respondent appeared for the December 9, 2021, proceeding and requested a continuance to allow her time to retain counsel. (Pet. for Disc., at ¶ 30; ODC-I, Bates 0043-0044)
31. Judge Evans granted Respondent's request and rescheduled the matter to December 30, 2021, based specifically on Respondent's availability. (Pet. for Disc., at ¶ 31; ODC-I, Bates 0044-0045)
32. Respondent failed to appear for the December 30, 2021, proceeding. (Pet. for Disc., at ¶ 31; ODC-E, Bates 0030)
33. On the morning of December 30, 2021, Respondent sent an email to Judge Evans and ADA Gettle advising that she tested positive for COVID-19 and requesting the hearing be rescheduled. (Pet. for Disc., at ¶ 33; ODC-E, Bates 0030; ODC-J, Bates 0049)
34. ADA Gettle responded to Respondent the same day advising that the matter had been continued to January 14, 2022. (Pet. for Disc., at ¶ 34; ODC-J, Bates 0048-0049)
35. On the morning of January 14, 2022, Respondent emailed Judge Evans stating she was experiencing lightheadedness and chest pain and was being taken to urgent care. (Pet. for Disc., at ¶ 35; ODC-J, Bates 0048)

36. Respondent further stated that she had reached out to “counsel” about filing a continuance. (Pet. for Disc., at ¶ 36; ODC-J, Bates 0048)
37. In response, Judge Evans inquired who was acting as Respondent’s counsel. (Pet. for Disc., at ¶ 37; ODC-J, Bates 0048)
38. Respondent failed to respond to Judge Evans’ inquiry. (Pet. for Disc., at ¶ 38)
39. On January 26, 2022, Judge Evans commenced a contempt proceeding against Respondent captioned and docketed at *In Re: Martin, Ashley*, CP-22-MD-0000162-2022 (Dauphin Co.), stemming from her repeated failures to appear in the *Lawson* matter. (Pet. for Disc., at ¶ 39; ODC-K)
40. Judge Evans scheduled a contempt hearing for February 14, 2022. (Pet. for Disc., at ¶ 40; ODC-K, Bates 0051)
41. Respondent received notice of the February 14, 2022, contempt hearing. (Pet. for Disc., at ¶ 41)
42. Respondent failed to appear or communicate with the court regarding her intention not to appear. (Pet. for Disc., at ¶ 42)
43. As a result of her failure to appear, Judge Evans issued a bench warrant for Respondent’s arrest. (Pet. for Disc., at ¶ 43; ODC-L)

The Howell Matter

44. On October 15, 2021, Respondent entered her appearance as counsel for the defendant, Ryan Howell, in the matter captioned and docketed at *Commonwealth v. Ryan Marsahl [sic] Howell*, CP-67-CR-0003711-2020 (York Co.). (Pet. for Disc., at ¶ 44; ODC-N)
45. Mr. Howell privately retained Respondent and paid a \$1,500 retainer fee for the representation, which was to include filing an application for Mr. Howell to be

admitted into the Accelerated Rehabilitative Disposition (“ARD”) program. (Pet. for Disc., at ¶ 45)

46. On October 16, 2021, Respondent filed on Mr. Howell’s behalf a Motion for Extension of Time for Filing Pretrial Motions. (Pet. for Disc., at ¶ 46; ODC-N, Bates 0059; ODC-O)

47. Therein Respondent, *inter alia*:

- a. stated Mr. Howell had timely submitted an application to the ARD program and was awaiting a decision on ARD acceptance or rejection; and
- b. requested the Court grant Respondent permission to file Omnibus Pretrial Motions if Mr. Howell was not accepted into the ARD program.

(Pet. for Disc., at ¶ 47; ODC-O, Bates 0061-0062)

48. Respondent’s statements in the Motion for Extension of Time for Filing Pretrial Motions concerning the ARD application were false and misleading because Respondent had not filed an ARD application on behalf of Mr. Howell, nor had Mr. Howell filed any such application *pro se*. (Pet. for Disc., at ¶ 48; ODC-P)

49. By Order dated October 26, 2021, the Honorable Amber Kraft granted the Motion for Extension of Time. (Pet. for Disc., at ¶ 49; ODC-N, Bates 0060)

50. By Order dated October 27, 2021, Judge Kraft scheduled a status hearing in Mr. Howell’s matter for December 20, 2021. (Pet. for Disc., at ¶ 50; ODC-N, Bates 0057, 0060)

51. Throughout the Howell representation, Respondent was on administrative suspension due to her failure to file her annual attorney registration form and pay the attendant fee. (Pet. for Disc., at ¶ 51; ODC-Q)

52. Despite receiving notice of the December 20, 2021 proceeding, Respondent failed to inform Mr. Howell, opposing counsel, or Judge Kraft of her administrative suspension and resulting inability to continue to represent Mr. Howell. (Pet. for Disc., at ¶ 52)
53. Respondent failed to withdraw as Mr. Howell's counsel. (Pet. for Disc., at ¶ 52; ODC-N, Bates 0059)
54. Respondent failed to appear at the December 20, 2021 hearing in the *Howell* matter. (Pet. for Disc., at ¶ 54)
55. Respondent failed to take any action to protect Mr. Howell's rights or inform Mr. Howell, opposing counsel, or Judge Kraft of her intention not to appear. (Pet. for Disc., at ¶ 55)

Administrative Suspension Matter

56. By letter to Respondent dated August 11, 2021, Suzanne E. Price, Attorney Registrar, informed Respondent that by order the same day, the Pennsylvania Supreme Court had directed that Respondent would be administratively suspended for failure to complete her annual attorney registration, as required by Pa.R.D.E. 219, effective September 10, 2021. (Pet. for Disc., at ¶ 56; ODC-Q)
57. Ms. Price advised Respondent that to avoid transfer to administrative suspension status, she was required to complete an enclosed registration form and submit the form with full payment to the Attorney Registration Office by September 9, 2021. (Pet. for Disc., at ¶ 57; ODC-Q)
58. Ms. Price's August 11, 2021, letter was sent to Respondent via certified mail to her mailing address on file with Attorney Registration: Ashley Drue Law, LLC, 3300 East Trindle Road, Camp Hill, PA 17011. (Pet. for Disc., at ¶ 58; ODC-Q)

59. Respondent, however, had vacated that address in February 2021. (Pet. for Disc., at ¶ 59)
60. Further attempts by the United States Post Office to deliver the certified mailing to Respondent were unsuccessful; as a result, on September 2, 2021, the mailing was returned to Attorney Registration. (Pet. for Disc., at ¶ 60; ODC-Q, Bates 0069-0071)
61. On September 3, 2021, Attorney Registration re-sent the August 11, 2021, letter via first-class mail to Respondent's residence address located at 4518 North Progress Avenue, Harrisburg, PA 17110, of which Respondent is the recorded owner. (Pet. for Disc., at ¶ 61; ODC-Q, Bates 0072; ODC-T)
62. On September 10, 2021, Respondent's administrative suspension became effective. (Pet. for Disc., at ¶ 62; ODC-Q)
63. Respondent was aware of her administrative suspension. (Pet. for Disc., at ¶ 63; ODC-Q)
64. Respondent failed to file a completed verified statement with the Disciplinary Board and serve a copy upon Disciplinary Counsel within ten days of the effective date of her administrative suspension, as required by Pa.R.D.E. 217(e)(1). (Pet. for Disc., at ¶ 64)
65. At the time of her administrative suspension, Respondent was engaged in ongoing plea negotiations with the Commonwealth in the *Lawson* matter and remained counsel of record in the *Howell* matter. (Pet. for Disc., at ¶ 65; ODC-D, Bates 0008; ODC-N, Bates 0059)

Office of Disciplinary Counsel Investigation

66. By letter to Respondent dated January 21, 2022, Petitioner notified Respondent that a complaint had been filed against her and requested that Respondent, within 10 days, provide a valid address at which she could receive certified and first-class mail. (Pet. for Disc., at ¶ 67; ODC-R)
67. The January 21, 2022, letter was sent by first-class mail to Respondent's registered office address, 3300 East Trindle Road, Camp Hill, PA 17011, her residence address, 4518 North Progress Avenue, Harrisburg, PA 17110, and her father's address in Harrisburg. (Pet. for Disc., at ¶ 68; ODC-R)
68. Petitioner also emailed a copy of the January 21, 2022, letter to Respondent's email address on file with Attorney Registration, and to other email addresses that Petitioner determined were linked to Respondent. (Pet. for Disc., at ¶ 69; ODC-R)
69. All but one of the emails, including to Respondent's email address on file with Attorney Registration, were immediately returned as undeliverable. (Pet. for Disc., at ¶ 70)
70. Respondent failed to respond to the January 21, 2022, letter or otherwise provide Petitioner or Attorney Registration with a confirmed or updated mailing address. (Pet. for Disc., at ¶ 71)
71. On February 23, 2022, Petitioner sent Respondent a DB-7 Request for Statement of Respondent's Position letter ("DB-7 letter"). (Pet. for Disc., at ¶ 72; ODC-U)
72. The DB-7 letter was sent to Respondent via certified and first-class mail to Respondent's registered mailing address, her residence, and her email address on file with Attorney Registration. (Pet. for Disc., at ¶ 73; ODC-U)

73. The email was immediately returned as undeliverable, and the certified and first-class mailings were also returned. (Pet. for Disc., at ¶ 74; ODC-V; ODC-W; ODC-X)
74. Ultimately, Petitioner contacted Respondent's father, who provided the address for Respondent's boyfriend, with whom she was staying. (Pet. for Disc., at ¶ 75)
75. On April 12, 2022, Office of Disciplinary Counsel Auditor/Investigator Suzanne Kreider personally served Respondent with the DB-7 letter, at Respondent's boyfriend's home. (Pet. for Disc., at ¶ 76; ODC-Y)
76. Respondent's response to the DB-7 letter was due within 30 days. (Pet. for Disc., at ¶ 77)
77. Respondent failed to timely respond to the DB-7 letter, request additional time in which to respond, or provide good cause for her failure to respond. (Pet. for Disc., at ¶ 78)
78. On June 30, 2022, Respondent contacted Auditor/Investigator Kreider via 13 successive emails sent between 8:44 a.m. and 10:00 a.m. (Pet. for Disc., at ¶ 79; ODC-AA)
79. Respondent's emails do not identify any good cause basis for failing to timely respond to Disciplinary Counsel's DB-7 letter. (Pet. for Disc., at ¶ 80; ODC-AA)
80. By email of June 30, 2022, Auditor/Investigator Kreider confirmed receipt of Respondent's 13 emails and advised Respondent that if Office of Disciplinary Counsel did not receive her response to the DB-7 by July 7, 2022, the Office might need to proceed with a recommendation for formal charges. (ODC-AA)
81. On July 7, 2022, Respondent provided an untimely response to the DB-7 letter. (Pet. for Disc., at ¶ 81; ODC-Z)

82. By emails sent to Respondent on July 29, 2022, August 1, 2022, August 8, 2022, and August 31, 2022, Disciplinary Counsel Kristin Wells advised Respondent to update her contact information with Attorney Registration and provide proof to Office of Disciplinary Counsel. (ODC-BB, ODC-CC, ODC-EE, ODC-GG)
83. Respondent replied to Ms. Wells' emails on August 4, 2022, August 30, 2022, and August 31, 2022 and updated her contact information with Attorney Registration on August 31, 2022. (ODC-DD, ODC-FF, ODC-HH)

Additional Findings

84. Petitioner personally served Respondent with the Petition for Discipline on September 9, 2022.
85. Respondent failed to file an Answer to Petition for Discipline.
86. Respondent received notice of the prehearing conference scheduled on December 8, 2022 and the disciplinary hearing scheduled on June 20, 2023. (ODC-1)
87. In addition to the formal notice of the disciplinary proceedings sent to Respondent, Disciplinary Counsel Wells sent numerous emails to Respondent asking that Respondent contact Ms. Wells to discuss the matter and reminding Respondent of the hearing date on June 20, 2023. Ms. Wells' last email to remind Respondent about the disciplinary hearing was sent at 8:21 a.m. on June 20, 2023, shortly before the start of the hearing. (ODC-2)
88. Respondent responded to one of Disciplinary Counsel Wells' emails on October 20, 2022. (ODC-2)
89. Respondent failed to appear for the prehearing conference and the disciplinary hearing.

III. CONCLUSIONS OF LAW

By her conduct as set forth above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

1. RPC 1.3, which states “A lawyer shall act with reasonable diligence and promptness in representing a client.”
2. RPC 1.4(a)(5), which states “A lawyer shall consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.”
3. RPC 1.16(a)(1), which states, in pertinent part, “[A] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law.”
4. RPC 8.4(c), which states “It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”
5. RPC 8.4(d), which states “It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.”
6. Pa.R.D.E. 203(b)(3), which states “The following shall also be grounds for discipline: Willful violation of any other provision of the Enforcement Rules” via:
 - a. Pa.R.D.E. 217(c)(2), which states, in relevant part, “A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive status all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable

probability that they may infer that he or she continues as an attorney in good standing”; and

b. Pa.R.D.E. 217(e)(1), which states, in relevant part, “Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement and serve a copy on Disciplinary Counsel.”

7. Former Pa.R.D.E. 219(d)(3) (current Pa.R.D.E. 219(c)(3)), which states, in pertinent part, “On or before July 1 of each year all attorneys required by this rule to pay an annual fee shall electronically file with the Attorney Registration Office an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures: Every attorney who has filed the form shall notify the Attorney Registration Office in writing of any change in the information previously submitted, including e-mail address, within 30 days after such change[.]”

IV. DISCUSSION

This matter comes to the Board upon the Committee’s unanimous recommendation to suspend Respondent for one year and one day for her violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement based on her misconduct in two separate client matters and her failure to fulfill obligations pertaining to her license to practice law.

Petitioner filed a Petition for Discipline charging Respondent with professional misconduct and effectuated personal service on Respondent on September 9, 2022. Respondent failed to respond to the Petition and the factual allegations

contained therein are deemed admitted under Pa.R.D.E. 208(b)(3). These admissions, Petitioner's exhibits, and the reasonable inferences from the foregoing, demonstrate that Petitioner met its burden of proof by clear and satisfactory evidence that Respondent violated the rules charged in the Petition for Discipline. *Office of Disciplinary Counsel v. John T. Grigsby, III*, 425 A.2d 730, 732 (Pa. 1981). For the following reasons, we recommend that Respondent be suspended for a period of one year and one day.

The record established that Respondent violated RPC 1.3 by failing to provide diligent representation in the Lawson and Howell matters through her repeated failure to attend numerous scheduled court proceedings on behalf of her clients. Respondent's misconduct in the Lawson matter in Dauphin County was particularly acute. She failed to appear on behalf of her client at four plea court dates, two of which were continued on the day of the court proceeding at Respondent's request after she failed to appear and was contacted by the assistant district attorney regarding her absence. After Respondent's fourth failure to appear on behalf of her client without any cause, the court issued numerous orders between November 2021 and February 2022 directing Respondent to appear to show cause why she should not be held in contempt. Respondent's compliance with these orders was erratic. She failed to appear at the November 10, 2021 show cause hearing, which the court then rescheduled for a later date. Respondent appeared at the December 9, 2021 hearing and requested a continuance to obtain counsel, which the court granted. Thereafter, on three more occasions, Respondent failed to appear before the court, despite the court's wide latitude in giving Respondent every opportunity to show cause. Ultimately, the court issued a bench warrant for Respondent's arrest after her failure to appear on February 14, 2022. Respondent's misconduct caused the court to unnecessarily expend judicial resources to

reschedule proceedings and to initiate contempt proceedings against Respondent, in violation of RPC 8.4(d).

Respondent's representation of Mr. Howell in York County was similarly problematic. Respondent was retained for representation that included filing an application for Mr. Howell to be admitted into the Accelerated Rehabilitative Disposition (ARD) program. In the course of the representation, in violation of RPC 8.4(c), Respondent filed a Motion for Extension of Time for filing pretrial motions that contained false and misleading statements that Mr. Howell had filed an ARD application and was awaiting a decision, when in fact, Respondent had not filed the application, nor had her client filed an application pro se. The court granted the motion and scheduled a hearing, but Respondent failed to appear at the hearing on behalf of her client, demonstrating a lack of diligence that violated RPC 1.3.

In addition to mismanaging her clients' matters and her own contempt proceeding by ignoring court orders and notices, Respondent simultaneously failed to fulfill essential obligations required of attorneys licensed to practice in the Commonwealth, such as updating contact information with the Attorney Registration Office, filing the annual registration form, and paying the annual assessment. Respondent's professional lapses negatively impacted the disciplinary system, the courts, and Respondent's clients. Respondent's failure to update her contact information with the Attorney Registration Office pursuant to former Pa.R.D.E. 219(d)(3), caused the Attorney Registrar and Office of Disciplinary Counsel to take extraordinary measures to ensure that Respondent received notices and information, as Respondent's registered address was no longer accurate. We note that following multiple emails from Disciplinary Counsel Wells regarding Respondent's out-of-date contact information, Respondent

updated her information on August 31, 2022.

Respondent's failure to fulfill her annual registration requirement resulted in the Supreme Court placing her on administrative suspension. Notably, while on administrative suspension and ineligible to practice law, Respondent remained Mr. Lawson's counsel of record and separately undertook representation of Mr. Howell.¹ Respondent ignored her duty to withdraw as counsel and never informed her clients that she was unable to represent them, nor did Respondent inform Judge Evans and opposing counsel in the Lawson case and Judge Kraft and opposing counsel in the Howell case that she was on administrative suspension and unable to practice law. Respondent's actions violated RPC 1.4(a)(5), RPC 1.16(a)(1), and Pa.R.D.E. 217(c)(2). In connection with her administrative suspension, Respondent failed to file the required verified statement within ten days of her suspension, pursuant to Pa.R.D.E. 217(e)(1).

The record established that Respondent was aware of the instant disciplinary proceedings. Respondent was personally served with the DB-7 request for statement of her position and the Petition for Discipline, and received notice of the dates and times of the prehearing conference and disciplinary hearing. As well, Disciplinary Counsel Wells contacted Respondent by email on numerous occasions to stress the seriousness of the matter, to urge Respondent's cooperation, and to remind her of the hearing date. Respondent filed a response to the DB-7 on July 7, 2022, two months after the due date, and replied to one of Disciplinary Counsel Wells' many emails concerning the hearing on October 20, 2022.

Having determined that Respondent committed professional misconduct,

¹ Petitioner did not charge Respondent with the unauthorized practice of law.

the Board's task is to determine the appropriate sanction, bearing in mind that the recommended discipline must reflect facts and circumstances unique to the case, including circumstances that are aggravating or mitigating. *Office of Disciplinary Counsel v. Joshua Eilberg*, 441 A.2d 1193, 1195 (Pa. 1982). Despite the fact-intensive nature of the endeavor, consistency is required so that similar misconduct "is not punished in radically different ways." *Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983). When evaluating professional discipline, the Board is cognizant that the primary purpose of the lawyer disciplinary system in Pennsylvania is to protect the public, preserve the integrity of the legal system, and deter unethical conduct. *Office of Disciplinary Counsel v. Akim Czmus*, 889 A.2d 1197 (Pa. 2005).

Respondent's misconduct demonstrates a lack of respect for her ethical duties to her clients and the courts, and a disinterest in her license to practice law. Although we note that Respondent responded, albeit untimely, to Petitioner's DB-7 letter, on the whole, she ignored her disciplinary issues and by her nonappearance at the disciplinary hearing, forfeited any meaningful opportunity to offer an explanation for her misconduct, accept responsibility, express remorse, and convey to this Board and the Court that she values her privilege to practice law. Respondent's nonappearance at her own disciplinary hearing, a continuation of her previous recalcitrant conduct, serves as an aggravating factor. See, *Office of Disciplinary Counsel v. Frederick Seth Lowenberg*, No. 9 DB 2017 (D. Bd. Rpt. 11/1/2017, pp. 10-11) (S. Ct. Order 12/26/2017).

We observe that Respondent has practiced law in the Commonwealth since 2013 with no history of professional discipline. While this is normally a compelling mitigating factor, we accord it little weight in the instant case, due to the fact that Respondent's misconduct began in 2021, only eight years after her admission, and she

has been on administrative suspension status since 2021. See, *Office of Disciplinary Counsel v. Marianne Sawicki*, No. 107 DB 2021 (D. Bd. Rpt. 9/15/2023, p. 51) (S. Ct. Order 12/22/2023) (the Board found that Sawicki's lack of prior disciplinary record was not a compelling mitigating factor, considering that her misconduct commenced seven years after her admission to practice).

Case precedent establishes that when a respondent has neglected and abandoned matters and displayed a disregard for the disciplinary system, a suspension of at least one year and one day is warranted. In the recent matter of *Office of Disciplinary Counsel v. Richard Hulings Luciana*, No. 91 DB 2021 (D. Bd. Rpt. 12/1/22) (S. Ct. Order 3/8/2023), Luciana delayed for seven years in taking action in two estate matters and demonstrated a severe lack of diligence. Luciana thereafter was nonresponsive in his disciplinary proceedings by failing to respond to the Office of Disciplinary Counsel's DB-7 letter and failing to comply with a subpoena issued by Office of Disciplinary Counsel. Additionally, Luciana failed to file an answer to the Petition for Discipline and failed to appear at his disciplinary hearing. Although Luciana had no prior record of discipline, the Board accorded that factor little weight in mitigation, due to his nonparticipation in the proceedings. Upon the Board's recommendation, the Court suspended Luciana for one year and one day.

In another matter, the Court imposed a suspension for one year and one day on a respondent who engaged in misconduct involving, *inter alia*, neglect and failure to communicate in three client matters. *Office of Disciplinary Counsel v. Carol Chandler*, No. 10 DB 2010 (D. Bd. Rpt. 2/15/2011) (S. Ct. Order 8/17/2011). Like Respondent, Chandler failed to answer the Petition for Discipline or appear at her disciplinary hearing.

The Court imposed a two year suspension in *Office of Disciplinary Counsel v. John Joseph Ashton, III*, No. 67 DB 2019 (D. Bd. Rpt. 5/20/2020) (S. Ct. Order 7/27/2020). Therein, the Board found Ashton engaged in a troubling pattern of neglecting three separate client matters and abandoning his clients by failing to communicate with them. In the three matters, all active litigation cases, Ashton failed to file pleadings, failed to inform his clients of court orders, failed to appear at hearings, failed to communicate with clients, despite their many attempts to contact him, and failed to return client files and communicate with successor counsel. Like the instant Respondent, Ashton failed to answer the Petition for Discipline and appear for the disciplinary hearing. Also similar to the instant matter, Ashton had only practiced law for a short time before engaging in misconduct, and for that reason the Board concluded that mitigation for Ashton's lack of prior discipline was not appropriate. The Board recommended a two year suspension, which the Court adopted. In comparing the nature of Ashton's misconduct in three client matters with the instant matter, we find Respondent's misconduct to be less serious than that of Ashton, such that a two year period of suspension is not warranted in the instant case.

Respondent's serious misconduct in her clients' matters and failure to comply with attorney license obligations, viewed through the lens of her failure to participate in these disciplinary proceedings, demonstrates her lack of fitness to practice law. The Board's duty is to recommend a disciplinary sanction that protects the public and maintains the integrity of the courts and the legal profession. On this record, these goals are achieved by a one year and one day suspension, which removes Respondent from practice and requires her to prove her fitness by way of a rigorous reinstatement process if she desires to practice law in the future.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Respondent, Ashley Drue Martin, be Suspended for one year and one day from the practice of law in this Commonwealth.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: */s/ Robert L. Repard*
Hon. Robert L. Repard, Member

Date: 02/15/2024