

*People v. Michael Andrew Martin. 22PDJ042. August 9, 2022.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Michael Andrew Martin (attorney registration number 51991) for thirty days, all to be stayed on Martin's successful completion of a one-year period of probation with conditions. The probation takes effect September 13, 2022.

Martin is the managing lawyer in the Denver office of a Utah-based law firm. A client who was charged with driving under the influence in Mesa County, Colorado, hired Martin for representation during only the pretrial phase of the client's criminal case. On May 28, 2021, Martin and his client appeared remotely before the trial court, setting the matter for a pretrial conference on September 10, 2021, and for trial on September 14, 2021.

In early August 2021, Martin booked a seven-day Caribbean cruise to begin on September 5, 2021. Soon thereafter, Martin booked a second seven-day cruise to begin immediately after the first cruise on the same ship. His vacation was set to occur during the client's trial.

Twice in August 2021, the court issued separate orders indicating that it was prepared to go forward with the trial. On August 30, 2021, Martin moved to withdraw from the client's matter, citing the client's failure to meet his financial obligations. The court reserved ruling on Martin's withdrawal motion, which was filed fifteen days before trial. The court advised the parties that it would address the withdrawal motion at the pretrial conference, granting the parties leave to appear virtually. On September 2, 2021, the court again granted Martin leave to appear virtually.

Neither Martin nor his client appeared at the pretrial conference on September 10, 2021. The court denied Martin's motion to withdraw and maintained the scheduled trial date of September 14, 2021. On September 12, 2021, Martin's second cruise departed from Miami. On September 14, 2021, the court called the client's matter for trial. Martin's ship was docked in Honduras on that date. Neither Martin nor his client appeared. The court issued a bench warrant for the client's arrest due to his failure to appear. The court also issued an order directing Martin to show cause at an in-person hearing why he should not be held in contempt of court for failing to appear at the prehearing conference and at trial.

Even though the court ordered Martin to appear at the show cause hearing in person, he appeared remotely. At the hearing, Martin apologized to the court and explained that he expected the motion to withdraw to be granted and the trial date to be vacated when his client did not appear at the pretrial conference.

Through this misconduct, Martin violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence in representing a client) and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice).

The case file is public per C.R.C.P. 242.41(a).